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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CATHEY II, PATRICK H

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,731

Applicant(s)

RIBAS-CORBERA ET AL.

Examiner

Patrick H. Cathey II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim's 1-4, 6-15, 17-26, 28-42, 45-50, 53-60 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozkan et al. (US 5,933,451).

As for Claim's 1-4, 11-15, 22, 23, 29, 39, 46, 48-50 and 56, Ozkan et al. teach an encoder that provides time-varying signals (Column 4, line 63 to Column 5, line 8), an encoder buffer and a decoder buffer that maintain the time-varying signals, the encoder buffer connected to the decoder buffer by a transmission medium (Column 11, lines 5-57), a decoder that removes the time-varying signals from the decoder buffer (Column 11, lines 5-57), a first mechanism that determines at least two alternative sets of parameters comprising rate data and buffer size data for maintaining the decoder buffer such that it does not overflow or underflow (Column 11, lines 6-17), and a second mechanism that determines a size of the decoder buffer based on the rate data, or determines a rate of transferring data from the encoder buffer to the decoder buffer based on the buffer size data, and decoder buffer fullness data (Column 11, lines 5-57).

As for Claim's 24-26, Ozkan et al. teach where the first mechanism is incorporated in the encoder, the second mechanism is incorporated in the decoder and

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where the encoder communicates the sets of parameters to the decoder)Column 11, lines 5-57).

As for Claim's 28, 45, 53 and 63, Ozkan et al. teach where the encoder identifies a total number of the sets of parameters (Column 9, lines 10-36; Column 11, lines 5-57).

As for Claim's 6-8, 17-19 and 30-32, Ozkan et al. teach where the second mechanism determines the size of the decoder buffer based on the rate data, or determines the rate of transferring data, by selecting one of the sets, interpolating between data points in at least two of the sets and extrapolating from data points in at least two of the sets (Column 5, lines 9-28; Column 11, lines 5-57).

As for Claim's 9, 10, 20, 21, 33 and 34, Ozkan et al. teach where the second mechanism determines the size of the decoder buffer that will approach a minimum loading delay and determines the rate of transferring data by determining a minimum required peak transmission rate corresponding to a predetermined buffer size (Column 11, lines 5-57).

As for Claim's 35 and 36, Ozkan et al. teach where the second mechanism determines a new size of the decoder buffer based on the rate data and time information and determines a new rate of transferring data based on the buffer size data and time information (Column 11, lines 5-57).

As for Claim's 37, 38, 42 and 60, Ozkan et al. teach where selecting one of the sets comprises comparing the at least two sets to each other or to some other set of parameters (Column 5, lines 9-28; Column 11, lines 36-57).

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As for Claim's 40, 47 and 57, Ozkan et al. teach where each of the at least two sets of parameters comprises a maximum transmission rate, a decoder buffer capacity, and an initial buffer fullness (Column 10, lines 28-54; Column 11, lines 5-57).

As for Claim 41, Ozkan et al. teach wherein processing the sets of parameters comprises using the sets of parameters to determine an operating condition for maintaining the encoded video data in a decoder buffer (Column 11, lines 5-17).

As for Claim's 54 and 58, Ozkan et al. teach wherein the processing the initial sets of parameters comprises setting an operating condition based at least in part upon the initial sets of parameters, and wherein the processing at least one additional set comprises changing the operating condition based at least in part upon the at least one additional set (Column 11, lines 5-57).

As for Claim's 55 and 59, Ozkan et al. teach wherein decoding the video data comprises maintaining encoded data in the decoder buffer in accordance with the operating condition and decoding the encoded data from the decoder buffer (Column 11, lines 5-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim's 5, 16, 27, 43, 44, 51, 52, 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozkan et al. in view of Morris (US 6,873,629).

Ozkan et al. fail to specifically teach where the encoder communicates the sets of parameters to the decoder via a stream header along with information indicating a total number of the sets, but Morris does (Column 14, lines 21-64). Since this just shows a header added to a sequence being transmitted, it would have been obvious to one of ordinary skill to use a header in order to more easily identify the sequence being transmitted to the decoder because the header is a clear notification flag.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references not used in the above rejections were included because they teach additional information regarding altering the buffer size in correspondence with the bit rate during the decoding of information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC

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